

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR357
)	
v.)	
)	
KEVIN SPELLMAN,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court on defendant's motion to reconsider release (Filing No. 25), and the government's reply (Filing No. 26). On January 4, 2006, defendant entered a plea of guilty to Count II of the indictment returned by the grand jury. Count II charged the defendant with possession with intent to distribute cocaine base, i.e., crack cocaine, in violation of 21 U.S.C. 841(a)(1). In his plea agreement, defendant agreed that he should be held responsible for at least 50 grams but less than 150 grams of cocaine base. Pursuant to Title 21, United States Code, § 841(a)(1), he is subject to a term of imprisonment of not less than ten years nor more than life imprisonment.

Title 18, United States Code, § 3143(a)(2), provides that a person who has been found guilty of an offense for which the maximum sentence is life imprisonment or death, or for an offense for which the maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act, shall be detained awaiting imposition of sentence. As the defendant has

been found guilty of such a crime, defendant's motion to reconsider release will be denied. Accordingly,

IT IS ORDERED that defendant's motion to reconsider release is denied.

DATED this 20th day of January, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court